24. (New) The method claimed in claim 8, wherein the processed signal is the first signal detected after said call is answered.

25. (New) The system claimed in claim 15, wherein the first detected signal is the first signal detected by the call classifier unit after said call is answered.

REMARKS/ARGUMENTS

Attached hereto is a marked up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version With Markings to Show Changes Made**."

Applicant has amended the claims to clarify further the subject invention.

The Examiner rejects Claims 1-3, 5, and 7 under 35 U.S.C.§102(e) as being anticipated by Kelly, Jr., (U.S. 4,941,168) and Claims 4, 6, and 8-22 under 35 U.S.C.§103(a) as being unpatentable over Kelly, Jr., in view of Jesurum, et al. (U.S. 5,430, 792).

Applicant respectfully traverses the Examiner's rejections.

Neither Kelly, Jr., nor Jesurum, et al., teach or suggest, individually or collectively, at least the following italicized language in Claims 1, 8, and 15:

1. A method for use in managing outgoing calls in a call center, comprising:
initiating a call to a first party from the call center via a communication medium;
monitoring said communication medium for signals received from a location associated with said first party after said step of initiating a call;
detecting an initial audible signal received from the first party location via said communication medium;
initiating processing of said initial audible signal in a call classifier to determine a characteristic of said audible signal; and

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playing a prerecorded greeting over said communication medium during said call, *said prerecorded greeting being played during a time period when said call classifier is processing said initial audible signal.*

8.   A method for use in managing an outgoing call comprising the steps of:

placing an outgoing call to a remote party location over a communication network; processing a signal received from said remote party location during said call to determine a source type of said signal;

playing a prerecorded greeting to said remote party location during said step of processing, *wherein said step of playing a prerecorded message includes detecting a period of silence after receipt of said signal and initiating playback of said prerecorded greeting in response thereto;* and

after said prerecorded greeting has ended, establishing a talk path between a local agent and the remote party location when it is determined that said signal is a voice signal that was generated by a live party during the call.

15.   A system for use within a call center, comprising:

a call processing unit operable to place a call to a remote party location via a communication network;

a call classifier unit operable to determine when said call is answered, detect an audible signal from the remote party location, and analyze a first detected signal received from said remote party location to determine whether said first detected signal originated from a live party during the call;

a message playback unit operable to play back a prerecorded message to said remote party location while said call classifier unit is analyzing said first detected signal; and

a switch unit operable to establish a talk path between a local agent position and said remote party location when it is determined by said call classifier unit that said first detected signal originated from a live party during the call.

Kelly, Jr., is directed to an automated telephone dialing system for recognizing electronically whether a called party is a human subject or an automated telephone answering device and for delivery of pre-recorded messages in synchronization with the activation of the receive function of an automatic answering machine. The determination of whether a called party is human or an answering device is made based on analysis of the party's response to an audio instruction. The

system delivers pre-recorded messages to a live party or to an automated answering device in the time sequence required or recording of the message by the answering device.

Regarding the italicized language above, Kelly, Jr., states the following at col. 6, lines 15-40:

> If the TRIGGER silence period was detected then the answering party is determined *not* to be a recording and therefore the system defines the called party as a live person. The return variable RTN is set to zero at step 208 [Figure 7]. The system then moves to step 230, indicating the completion of its detection. If the TRIGGER silence period was *not* detected within DURATION, then [the] system determines that audio is present most of the time and the party could be either a person with a lengthy greeting or a recording. At step 210, a voice message to the effect of "One moment please . . ." is then played to the called party and the second test period begins at step 212, with another call to Silence Detection Operation beginning at step 214. Once again, at step 216 the results of Silence Detection Operation is examined. If the TRIGGER silence period was detected then the answering party is determined not to be a recording and therefore the system defines the called party as a live person. The return variable RTN is set to zero in step 218. The system then moves to step 230, indicating the completion of the detection. If the TRIGGER silence period was not detected within DURATION then audio was present most of the time and the party is determined to be a recording since a person would probably have ceased speaking after hearing the "One moment please . . ." message. (Italics added.)

As can be seen from the above language and from Figure 7 of Kelly, Jr., the pre-recorded message is *not* played when the initial or first detected signal is processed (*see, e.g.,* Claims 1 and 15). The message is played only after the initial or first detected is processed and before the second test begins. Moreover, Claim 8 requires the pre-recorded message to be played when a period of silence is detected while Kelly, Jr., requires the pre-recorded message to be played when a period of silence (the TRIGGER silence period) is *not* detected.

Jesurum, et al., fails to overcome these deficiencies. Jesurum, et al., is directed to an automatic telephone calling system that characterizes the responses from telephone subscribers' telephone stations to placed calls from the system. A call processor operably connects a

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communication line to a respective subscriber's station upon a characterization of the response on

the line as a voice signal, operably connects the line to an available operator station upon a

determination by a trunk processor, and disconnects the line to the subscriber's station and to an

operator station upon a determination that the response characterized as a voice signal is delivered
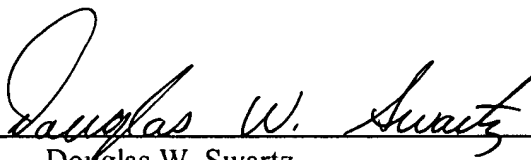
by an answering machine.

Accordingly, the claims are allowable over Kelly, Jr., and Jesurum, et al.

The dependent claims provide additional reasons for allowance. For example, dependent

claims 2 and 16 distinguish over the above references for reasons stated above.

Based upon the foregoing, Applicants believe that all pending claims are in condition for

allowance and such disposition is respectfully requested. In the event that a telephone conversation

would further prosecution and/or expedite allowance, the Examiner is invited to contact the

undersigned.

Respectfully submitted,

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Date: _August 28, 2002_

VERSION WITH MARKINGS TO SHOW CHANGES MADE

<u>In the Claims</u>:

Claim 13 has been canceled. Claims 1, 3-5, 8, 15, 19, and 22 have been amended as follows:

1. (Amended) A method for use in managing outgoing calls in a call center, comprising:

initiating a call to a first party from the call center via a communication medium;

monitoring said communication medium for signals received from a location
5   associated with said first party after said step of initiating a call;

detecting an <u>initial</u> audible signal received from the first party location via said communication medium;

initiating processing of said <u>initial</u> audible signal in a call classifier to determine a characteristic of said audible signal; and

10 playing a prerecorded greeting <u>over said communication medium</u> during said call, said prerecorded greeting being played during a time period when said call classifier is processing said <u>initial</u> audible signal.

3. (Amended) The method claimed in claim 1, wherein:

said step of initiating processing includes initiating processing that will analyze whether said <u>initial</u> audible signal was generated by a live party during the call.

4. (Amended) The method claimed in claim 3, further comprising the step of:

when said call classifier determines that said <u>initial</u> audible signal was generated by a live party at the first party location, establishing a talk path between the live party and an agent at the call center after playback of said prerecorded greeting has ended.

5. (Amended) The method claimed in claim 3, further comprising the step of:

when said call classifier determines that said <u>initial</u> audible signal was not generated by a live party at the first party location, terminating the call.

8. (Amended) A method for use in managing an outgoing call comprising the steps of:

placing an outgoing call to a remote party location over a communication network;

processing a signal received from said remote party location during said call to
5   determine a source type of said signal;

playing a prerecorded greeting to said remote party location during said step of processing, <u>wherein said step of playing a prerecorded message includes detecting a period of silence after receipt of said signal and initiating playback of said prerecorded greeting in response thereto</u>; and

10   after said prerecorded greeting has ended, establishing a talk path between a local
agent and the remote party location when it is determined that said signal is a voice signal
that was generated by a live party during the call.

13.   Canceled.

15.   (Amended) A system for use within a call center, comprising:
a call processing unit [for use in placing]operable to place a call to a remote party
location via a communication network;
a call classifier unit [for] operable to determine when said call is answered, detect an
5   audible signal from the remote party location, and [analyzing]analyze a first detected signal
received from said remote party location to determine whether said first detected signal
originated from a live party during the call;
a message playback unit [for playing]operable to play back a prerecorded message
to said remote party location while said call classifier unit is analyzing said first detected
10   signal; and
a switch unit [for establishing]operable to establish a talk path between a local agent
position and said remote party location when it is determined by said call classifier unit that
said first detected signal originated from a live party during the call.

19.   (Amended) The system claimed in claim 15, wherein:
said call processing unit includes means for terminating said call when it is
determined by said call classifier unit that said first detected signal did not originate from a
live party during the call.

22.   (Amended) The system claimed in claim 15, wherein:
said call classifier unit is part of a pool of call classifier units; and
said call processing unit [includes means for assigning]is operable to assign call
classifier units from said pool of call classifier units to individuals calls being supported by
the call center.

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